



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,844	03/16/2004	Thomas A. Follo	6579-0128-1	3109

7590 02/15/2006

Richard R Michaud
The Michaud-Duffy Group LLP
306 Industrial Park Road
Suite 206
Middletown, CT 06457

EXAMINER

MICHALSKI, SEAN M

ART UNIT	PAPER NUMBER
----------	--------------

3725

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the razor caddy must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6 9, 11-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Perry (USPN 3,795,979).

Regarding claim 1, Perry discloses a razor handle assembly comprising: a first handle section having a first body portion (figure 2, 64 on the left); a second handle section having a second body portion (figure 2, 64 on the right), said first and second body portions being mirror images of one another(as seen in figure 2); attachment means for coupling said first and second handle sections together (78 depends into recess 40, and 68 appends into recess 31). This is means plus function language and as such it is being read in light of the specification. The specification recites that any attachment means are acceptable including adhesives, studs (disclosed by Perry; 78 depends into recess 40, and 68 appends into recess 31) and rivets. Perry further discloses a closed end (figure 2, by 31) and an open end (figure 2, by 76, 70) generally opposite said closed end; a head assembly (figure 2, the components near and adjoining 36, 38, 50, 40, 52, 84 and 88) interposed between said first and second body sections at said open end, said head assembly defining means for releasably retaining a razor cartridge thereon (as seen in figure 1); and a core interposed between said first and second body sections (14, figure 1; 16, 28, 33 and 42, figure 2), said core having an end (33, figure 2) adjacent said closed end.

Regarding claim 6, Perry further discloses a razor handle as defined by claim 1 wherein said first and second handle sections are formed from metal (col.2 lines 59-62).

Regarding claim 9, Perry further discloses a razor handle as defined by claim 1 wherein said core is formed from an elastomeric polymer(col. 2 line 59, 'plastic' is elastomeric polymer).

Regarding claim 11, Perry further discloses a razor handle as defined by claim 1 further comprising a pair of side inserts (figure 13, 208), said side inserts being positioned generally opposite one another (as seen clearly in figures 11 through 13). These side inserts are disclosed in Perry as an alternative embodiment, but it would have obvious to one skilled in the art that the side inserts were not exclusive of the invention as disclosed in figure 1 and therefore could be combined with the invention as disclosed in figure 13 by having the inserts be placed on the first and second razor sections "one coupled to each of said first and second razor sections" (as shown in figure 1) as opposed to a unitary handle section as disclosed in figure 13.

Regarding claim 12, Perry further discloses a razor handle as defined by claim 11 wherein: each of said side inserts defines at least one projection (figure 13, 206) extending outwardly from an inner surface (figure 13, the planar area behind the gripping surface of 208) of said side insert; and wherein each of said projections is frictionally receivable in a complementarily shaped aperture defined by each of said first and second handle sections (seen in the handle 210 of figure 13 and indicated frictionally receivable by lines drawn from the projections to the handle 210).

Regarding claim 13, Perry further discloses a razor handle as defined by claim 12 wherein each of said side inserts is formed from an elastomeric polymer (col. 6 lines 26-27, 'plastic' is elastomeric polymer).

Regarding claim 14, Perry further discloses a razor handle as defined by claim 1 wherein: said head assembly defines a pair of generally opposed bosses (figure 1, 92) projecting outwardly from side surfaces thereof (figure 2, 92 is received in the slot 44 of the head section); and wherein each of said handle sections includes a mating recess (figure 2, 82) for receiving one of said bosses (92).

Regarding claim 15, Perry further discloses a razor handle as defined by claim 11 wherein each of said side inserts defines a plurality of raised portions (figure 9-13, the bumps are visible on 206) for improving a user's grip on said razor handle.

Regarding claim 16, Perry further discloses a razor handle as defined by claim 1 wherein said core defines a pair of generally opposed, exposed gripping surfaces (#18 figure 1) extending between said first and second handle sections (This is shown in figure 1, gripping surfaces #18 extend between the handle sections).

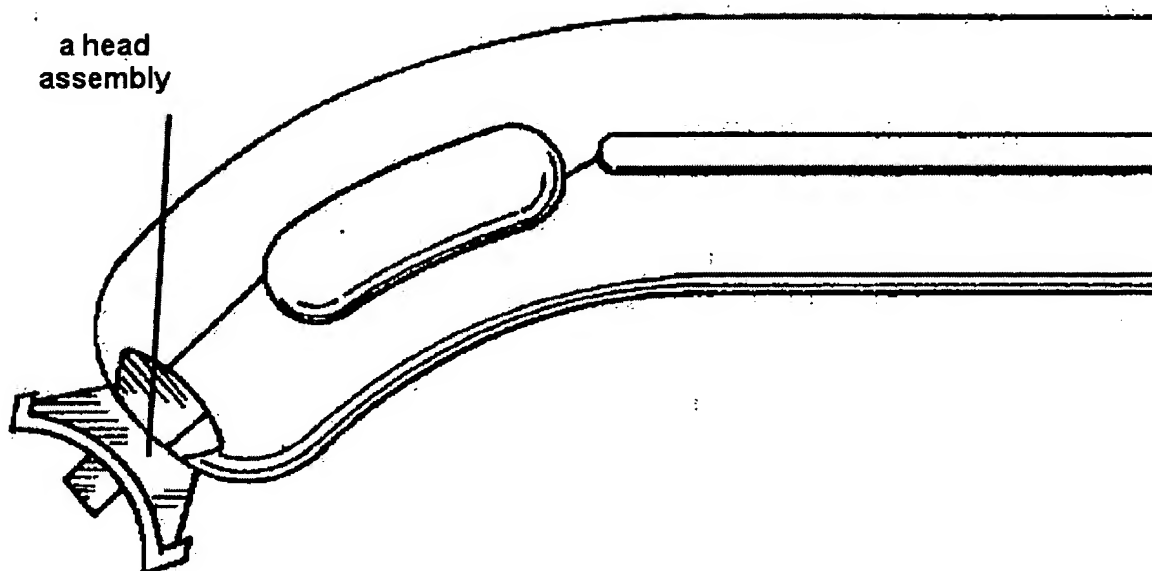
Regarding claim 18, Perry discloses a razor handle comprising: a first metallic handle portion having a first body section (figure 2, 64 on the left); a second metallic handle portion having a second body section (figure 2, 64 on the right), said first and second body sections being mirror images of one another(as seen in figures 1 and 2); said first handle section being coupled to and cooperating with said second handle section (figure 2, 78 depends into recess 40, and 68 appends into recess 31) to form a closed end (by 31, figure 2)and a generally opposite open end(by 40, figure 2); an

Art Unit: 3725

elastomeric plastic core (16, figure 2) positioned between said first and second handle sections and having generally opposed, exposed gripping surfaces(14, figure 1), said core having an end located adjacent to said closed end(33, figure 2); and a head assembly interposed between said first and second body sections at said open end (the components in figure two near and including 40, 36, 38, 44, and 42), said head assembly defining means for releasably retaining a razor cartridge (as shown in figure 1).

4. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Apprille Jr. (USPN 5,497,551).

Regarding claim 10 Apprille discloses a razor handle assembly comprising: a first handle section having a first body portion (the area above 12 in fig. 2); a second handle section having a second body portion (the area below 12 in fig. 2), said first and second body portions being mirror images of one another; attachment means for coupling said first and second handle sections together (rivets, 18, figure 1), so that said first and second handle sections cooperate to form a closed end (the far right in figure 2) and an open end (far left: by the head assembly, figure 2) generally opposite said closed end; a head assembly (se figure below)



interposed between said first and second body sections at said open end, said head assembly defining means for releasably retaining a razor cartridge thereon (col. 3, lines 15-20); and a core interposed between said first and second body sections (figure 1, 12), said core having an end (figures 1 and 2, 12 is shown to extend to the closed end at the far right) adjacent said closed end and further discloses a razor handle wherein said core includes a first core section (figure 9) coupled to a second core section (figure 6). The two sections are coupled because the second core section is formed by being injected around the first core section as described in col.3 lines 55-67.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3725

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 2-4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry (USPN) in view of Gerber, Jr. et al. (USPN 4,470,327).

Regarding claim 2, Perry teaches all the elements of the claimed invention (see section 3 paragraph 2 above) except for an aperture in the second handle portion. Perry has studs that do not depend into the opposing handle portion. Gerber, Jr. et al. teaches the use of at least one stud (figure 1, 20) projecting outwardly from one of the handle portions, an aperture in the opposing handle portion (figure 1, 23) and fastening means (col. 2 lines 39-41). This claim contains means plus function language and as such it is being read in light of the specification. The specification recites that any attachment means are acceptable including adhesives, studs and rivets. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Perry to the teachings of Gerber, Jr. et al. and use a rivet to attach the handle portions of Perry to one another. The stud is a functional equivalent of the structure used by Perry, and is a matter of simple design choice. The motivation to

Art Unit: 3725

combine is that at least one stud is shown to be effective at joining handle portions in Gerber, Jr. et al.

Regarding claim 3, Perry teaches all the elements of the claimed invention (see section 7 paragraph 2 above) except for the use of three studs and three apertures in place of one. Gerber, Jr. et al. teaches using three studs (figure 1, 20) and three apertures (figure 1, 23). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Perry with the teachings of Gerber, Jr. et al. and use three studs to attach the handle portions of Perry to one another. The stud is a functional equivalent of the structure used by Perry, and is a matter of simple design choice. The motivation to combine is that three studs are shown to be effective at joining handle portions in Gerber, Jr. et al.

Regarding claim 4, Perry teaches all the elements of the claimed invention (see section 7 paragraph 2 above) except for the fastening means for securing the end of said stud, wherein said means includes a rivet. Gerber, Jr. et al. teaches using three rivets (figure 1, 20) in countersunk rivet-holes (figure 1, 23). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Perry with the teachings of Gerber, Jr. et al. and use three rivets to attach the handle portions of Perry to one another. The rivet is a functional equivalent of the structure used by Perry, and is a matter of simple design choice. The motivation to combine is that three rivets are shown to be effective fastening means for the ends of studs in Gerber, Jr. et al.

Regarding claim 7 Perry teaches all the elements of the claimed invention (see section 3; paragraph 2 and 3 above) except for the use of die cast metal for the handle portions. Gerber Jr. et al. teaches the use of "cast aluminum" for handles (col. 2, lines 50-52). The word 'cast' has the *exact same meaning* as 'die cast', and aluminum is a metal well known in the art. Gerber, therefore, teaches the use of "die cast metal" for handles. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Perry with the teachings of Gerber, Jr. et al. and use die cast metal, instead of just 'metal', in the handle portions of Perry. In addition, the method of forming the handle is not relevant to the issue of patentability of the device itself. Therefore this limitation is not given patentable weight.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Gerber, further in view of Wolfe (USPN 4,184,248).

Regarding claim 5, Perry in view of Gerber teaches all the elements of the claimed invention (see section 7 above) except for the use of an adhesive as the above referenced fastening means. Wolfe teaches studs "secured therein by one or more additional rivets 28, although those skilled in the art will recognize that other means, such as a suitable adhesive, may be used for this purpose". In the same problem solving area, It would have been obvious to one skilled in the art to modify Perry and incorporate the teaching of Wolfe in order to provide for securing the portions of handle together. The motivation to combine is that adhesive prevents relative movement of the handle sections to the section there-between.

Art Unit: 3725

9. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Apprille Jr. et al., in further view of C. G. Preis et al (USPN 3,071,857). Perry discloses every component of the disclosed invention (see section 3 paragraph 2) except the use of at least three rivets to join the first and second handle sections together, with at least one rivet extends through the head assembly and at least one other rivet extends through a core interposed between said first and second handle sections.

Apprille Jr. et al. teaches the use of at least three rivets (18, figure 1), and the use of at least one rivet (all of 18, figure 1) to extend through the core section(12, figure 6).

Preis et al. teaches the use of at least one rivet to extend through the head assembly between two handle portions (figure 3, 15 is a rivet; figure 1 shows the head assembly interposed between two handle portions; figure 6 shows the rivet extending through the head assembly in a cross sectional view).

In the same field of invention, it would have been obvious to one skilled in the art to modify the design of Perry to incorporate the teachings of Apprille Jr. et al. to join handle portions together using at least three rivets, at least one of which being inserted through the core. The motivation to combine is that rivets are more secure coupling devices. It would have been obvious to one skilled in the art at the time of the invention to further modify the design of Perry in view of Apprille Jr. et al. to incorporate the teachings of Preis et al. that at least one rivet should be inserted through the head

assembly. The motivation to combine is to provide a more secure coupling for the head assembly.

10. Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Lobry, Claude (French Patent 2,428,992). Perry discloses every aspect of the disclosed invention, except the “aperture bounded by said first and second handle sections, an end of said core, and an end of said head assembly, said aperture being adapted to engage at least one extension projecting outwardly from a razor caddy, thereby releasably coupling said razor handle to said razor caddy”. Lobry teaches an aperture (figure 4, 6) bounded by said first and second handle sections (to the right and left of 6, figure 4), an end of said core (the area below 6, figure 4), and an end of said head assembly (the area above 6, figure 4), said aperture being adapted to engage at least one extension projecting outwardly from a razor caddy (as demonstrated in figure 4), thereby releasably coupling said razor handle to said razor caddy (the cylinder behind the razor in figure 4). In the same field of invention, it would have been obvious to one skilled in the art at the time the invention was made to apply the aperture taught by Lobry to the razor of Perry. The motivation to combine is to provide a way to releasably retain a razor on a caddy.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Apprille Jr. et al.

Regarding claim 19, Perry teaches all the aspects of the claimed invention (see section 3 and 7 paragraph 2 especially) except for the semi-perpendicularity of the handle portion gripping surfaces to the insert (core) gripping surfaces. Apprille Jr. et al.

Art Unit: 3725


teaches using gripping surfaces perpendicular to one another, but not the use of insert strips. The perpendicular gripping surfaces in Apprille are unitary, but obscured by the handle portion to provide user contact only in an approximately perpendicular fashion (figure 1, 12 is the large bumpy section in the center, as well as the small area projecting from the right and left of the handle; this is shown as well in figure 2). In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Perry with the teachings of Apprille Jr. et al. to provide the razor handle according to Perry with gripping surfaces perpendicular to one another as taught by Apprille. The motivation to combine is to provide the user with a "comfortable and pleasing grip" as taught by Apprille.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smm



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700